

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

POLARIS POWERLED
TECHNOLOGIES, LLC,
Plaintiff

v.

DELL TECHNOLOGIES INC.,
DELL INC, and MICROSOFT
CORPORATION,
Defendants

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No. A-22-CV-0973-RP

ORDER

Before the Court is Defendants' Motion to Stay Proceedings Pending Ex Parte Reexamination, Dkt. 60, which is referred for to the undersigned for disposition.

Defendants have subsequently filed a Notice of Office Action in Ex Parte Reexamination, Dkt. 83, notifying the Court of an Office Action in the ex parte reexamination. The reexamination was filed by Microsoft in the U.S. Patent and Trademark Office challenging the only asserted patent in this case, U.S. Patent No. 8,223,117.

Defendants submit that on January 5, 2023, the PTO issued a decision ordering reexamination of all claims at issue in this case. On June 2, 2023, the PTO issued its first Office Action, rejecting nine of the twelve asserted claims as obvious over the prior art, and confirming three of the twelve claims as patentable. Dkt. 83-1.

In the Notice, Defendants state "[i]f the Court so directs, Defendants would be happy to coordinate with the Plaintiff to submit a joint statement detailing the

parties' views as to how, if at all, this development impacts the pending Motion to Stay." Dkt. 83, at 1-2.

In light of the findings by the PTO, the Court HEREBY ORDERS the parties to submit a Joint Statement on or before August 9, 2023, detailing the impact of this development before the PTO and the parties' views on the Motion to Stay.

SIGNED July 26, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE